

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 07-04-17B

PLANNED DEVELOPMENT ORDINANCE

AN ORDINANCE OF THE CITY OF HORSESHOE BAY ADOPTING PD ZONING REGULATIONS FOR ZONE 12; ESTABLISHING ZONE BOUNDARIES FOR ZONE 12; AMENDING A ZONE MAP; ESTABLISHING ZONING STATUS UPON ANNEXATION; ENACTING CERTAIN DEVELOPMENT STANDARDS AND LAND USE REGULATIONS; PROVIDING CERTAIN LAND USE RULES; ADOPTING CERTAIN LAND DEVELOPMENT STANDARDS; SETTING OUT ADMINISTRATIVE AND LEGISLATIVE PROCEDURES; IMPOSING CIVIL AND CRIMINAL PENALTIES, INCLUDING FINES NOT TO EXCEED \$2,000 PER OFFENSE;; PROVIDING APPROVAL AUTHORITY FOR THE CITY COUNCIL; PROVIDING FOR ENFORCEMENT AND PENALTIES, AND PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

WHEREAS, the City Council finds that the public will be well-served by the enactment of new rules and regulations that govern the size of lots; height, number of stories, and size of buildings and other structures; use of real property; percentage of a lot that may be occupied; size of yards, courts and other open spaces; population density; location of buildings and other structures; land available for use for business, industrial, residential uses or other purposes; and landscaping in a Planned Development District; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate: (1) the height, number of stories, and size of buildings and other structures; (2) the percentage of a lot that may be occupied; (3) the size of yards, courts, and other open spaces; (4) population density; (5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; (6) the pumping, extraction, and use of groundwater by persons other than retail public utilities for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health; and (7) construction, reconstruction, alteration, or razing of buildings and other structures in the case of designated places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, Section 6 of the City's Zoning Ordinance allows for the creation of Planned Development Zones which permit development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan and in which the goals and objectives of the Comprehensive Plan are to be implemented; and

WHEREAS, Article IX of the City's Subdivision Ordinance describes Planned Development Districts ("PD"), which permit a combination of dwelling types and/or a variety of land uses which creatively complement each other; and

WHEREAS, HB Texas Development Partners, L.P., a New York Limited Partnership (the "Developer") and the City have entered into that Development Agreement for Skywater over Horseshoe Bay dated as of March 20, 2007 (the "Development Agreement") for development of a mixed-use development, which will include single-family residential land uses, multi-family, commercial, and retail land uses, together with recreational amenities and fly-in community and residential communities with age-restricted housing (collectively, the "Project") on approximately 1,618 acres (the "Property") in Llano County Texas and Burnet County, Texas;

WHEREAS, the City acknowledges (i) receipt of all items required from the Developer for compliance with the provisions of Section 6 of the City's Zoning Ordinance for creation of a PD Zone identified hereinafter as Zone 12 and (ii) the PD Concept Plan satisfies all requirements under the Zoning Ordinance for a PD Zone;

WHEREAS, the City acknowledges that (i) the Developer has complied with the procedure and development plan requirements described by Article IX Sections B.4 and B.5 of the Subdivision Ordinance for a PD, as amended herein;

WHEREAS, the City finds that the development of the Project shall best be accomplished through a PD under its Zoning and Subdivision Ordinances;

WHEREAS, a small portion of the Property for the Project is located within the boundaries of the City and the remainder of the Property is within the extraterritorial jurisdiction ("ETJ") of the City;

WHEREAS, the Developer has filed an application requesting that the portion of the Property located within the boundaries of the City be rezoned into the PD Zone, Zone 12;

WHEREAS, the parties intend that the portion of the Property within the City's ETJ will be annexed by the City pursuant to terms of the Development Agreement and with the zoning classification described herein;

WHEREAS, the City Council has provided public notice regarding this Planned Development Ordinance and rezoning through the City's website; and

WHEREAS, notice of the March 20, 2007 public hearing regarding adoption of this PD Ordinance and requested rezoning was published in an official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the hearing and the public hearing was conducted and held in accordance with applicable law;

WHEREAS, written notice of the public hearing was sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the Property on which the change in classification is proposed.

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Horseshoe Bay to adopt a PD Ordinance regulating land use and development for a particular tract of land;

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City of Horseshoe Bay should be amended as herein described

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 1.
ZONING ORDINANCE AMENDED

That Zoning Ordinance No. 06-06-20, of the City of Horseshoe Bay, Texas as heretofore amended, be and the same is hereby amended by providing adding a new zone, the "PD – Planned Development District – Zone 12." Such PD – Planned Development District - Zone 12 is more fully set forth as follows:

I. APPLICABLE REGULATIONS

A. ZONING AND SUBDIVISION REGULATIONS.

The Property shall be regulated for purposes of zoning and subdivision by the City's Zoning and Subdivision Ordinances. Particular zoning classifications are set forth in this PD Ordinance. Where a general zoning item is not specifically addressed in this PD Ordinance but is addressed by the City's Zoning Ordinance, the City's Zoning Ordinance shall control. In the event of any conflict between this PD Ordinance and the City's Zoning Ordinance, this PD Ordinance shall control. Where an item is not specifically addressed in this PD Ordinance but is addressed by the City's Subdivision Ordinance, the City's Subdivision Ordinance shall control. In the event of any conflict between this PD Ordinance and the City's Subdivision Ordinance, this PD Ordinance shall control.

B. APPLICABILITY OF OTHER REGULATIONS.

In the event of a conflict between this PD Ordinance and any other City ordinance, resolution, plan or policy that is applicable to the Property, (i) this PD Ordinance shall control; and (ii) such other ordinances, resolutions, plans, policies are deemed to be amended to the extent necessary to eliminate conflict as to the Property. Notwithstanding the foregoing, development of the Property shall be subject to ordinances that the City is required by state or federal law to adopt and apply uniformly to all property within its corporate limits, regardless of whether such ordinances conflict with this PD Ordinance.

C. SEVERABILITY CLAUSE.

If any section, clause, paragraph, sentence or phrase of this PD Ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this PD Ordinance; and it is hereby declared to be the intention of the City Council that the remainder of this PD Ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

D. GRANDFATHERING

The PD District is a zoning option requested by the Owner subject to the approval of the City. For purposes of Texas Local Government Code Chapter 245, the Project shall be the endeavor for purposes of Chapter 245 Texas Local Government Code. The Development Agreement constitutes a "permit" (as defined in Chapter 245, Texas Local Government Code) that is deemed filed with the City as of the date thereof. A series of permits is required for the Project therefore the orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the execution of the Development Agreement shall be the sole basis for consideration of all subsequent permits required for the completion of the Project.

II. DEFINITIONS

A. ZONING ORDINANCE DEFINITIONS:

The following definitions in the Zoning Ordinance are hereby amended and restated as follows:

1. **Bicycling**: To ride or propel a device commonly known as a bicycle, unicycle, tricycle or similar nonmotorized device; or to ride or propel a device commonly known as a scooter, with a deck designed to allow a person to stand or sit while operating the device, and includes such a device whether powered by electricity, gas, human or other power. Bicycling shall be permitted on all public and private streets within the Property.
2. **Family**: One or more persons related by blood, marriage, or adoption; or a group not all related by blood, marriage, adoption or guardianship not to exceed four (4) persons, occupying a dwelling unit.

B. SUBDIVISION ORDINANCE DEFINITIONS:

The following definitions in the Subdivision Ordinance are hereby amended and restated as follows:

1. **City Inspector** means the individual, or his/her designee, whether an employee of or contracted by the City to perform such services, with responsibility to review and approve construction plans for development projects. He/she is also responsible for overseeing the construction of the development to ensure that it meets the requirements of the Project Design Standards.
2. **Developer** means HB Texas Development Partners, L.P. The terms "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation (or combination thereof), and/or any officer, agent, employee, servant and trustee thereof who performs or participates in the performance of any act toward the subdivision of land within the intent, scope and purview of this PD Ordinance. The Developer shall also be defined as the builder if he or she is responsible for the construction of buildings and/or other structures or permanent improvements.
3. **Development Agreement** means that Development Agreement for Skywater over Horseshoe Bay dated as of March 12, 2007 by and between the Developer and the City for the Project.
4. **PD Concept Plan** establishes the general guidelines for the PD Zone by identifying the proposed land uses and intensities, thoroughfare locations, and open space boundaries and illustrates the integration of these elements into a master plan for the entire PD Zone.

5. **PD Zone** means a Planned Development Zone under the City's Zoning Ordinance.
6. **Project** means the mixed-use development, which will include single-family residential land uses, multi-family, commercial, and retail land uses, together with recreational amenities and fly-in community and residential communities with age-restricted housing known as Skywater over Horseshoe Bay.
7. **Project Design Standards** means the design standards for construction set forth herein as Appendix B.
8. **Property** means the approximately 1,618 acres of land which is owned by Owner and currently located both within and without the corporate boundaries of the City and more fully described in Exhibit "A" attached hereto and incorporated herein and is intended to be developed as the Project.
9. **Regulations** means the City's subdivision and development regulations as may be modified by the terms of this PD Ordinance.
10. **Screening Wall** means a solid opaque wall, constructed of rock, stone, brick, stucco or other masonry materials approved by the City, not less than six (6) feet in height measured at the highest finished grade, and designed by an Engineer and constructed in accordance with the Project Design Standards.

C. **ADDITIONAL DEFINITIONS.**

The following definition is hereby added to this PD Ordinance:

1. **Phase 1** refers to the subdivision of 200 lots, the construction of portions of the collector roads, connections for water and wastewater services to accommodate 200 living unit equivalents in such detail as shown on the "Phase One Detail Map" as part of the PD Concept Plan attached to the PD Ordinance.
2. **Alternative Transportation Devices**: Device such as a scooter, golf cart or alternative vehicles, and includes any device whether powered by electricity, gas, human or other power. Alternative Transportation Devices shall be permitted on all public and private streets with posted limits of 35 miles or less within the Property as may be permitted by state statute.

III. **ZONE 12 – GENERALLY**

A. **STANDARDS:**

The following provisions shall be applicable to all land within Zone 12 regardless of classification and the restrictions and standards described in Section 3.2 of the City's Zoning Ordinance are hereby amended and restated as follows:

(a) **Roof:** No air conditioning unit or evaporative cooler shall be placed upon or above the roof of any dwelling or other building except and unless the same is architecturally concealed from view.

(b) **Docks:** Docks or other devices for swimming or boating on creeks and rivers may be installed in accordance with the Project Design Standards.

(c) Exteriors: All structures must have exterior walls of at least fifty percent (50%) masonry on the surface of the walls excluding door frames and window frames. The exterior portion of all walls that are not masonry shall be painted or stained immediately upon completion or shall have color mixed in the final structural application, excepting acceptable woods that are commonly used without such finishes, so that all such materials shall have a finished appearance. No plywood, pressboard or particle board, shall be used on any exterior wall or any structure.

(d) Gas Tanks: No liquefied petroleum gas, propane, or butane container or other tank used or the storage of gases or liquids for fuel shall be placed on any Lot unless the same is architecturally concealed from view.

(e) Fences: No fence or wall exceeding seven feet (7') in height shall be built on any Lot.

(f) Yard Lights: Decorative electric yard lights for single-family residential lots shall not exceed six and one-half feet (6.5') in height and shall be maintained in a manner so that the light shall burn all night every night.

(g) Utilities: All utilities and utility service on all Lots shall be installed underground and no above-surface utility wires will be installed on any Lot outside any structure except for wires for any satellite dishes, broadband radio antennas, weather instruments, security devices, lightening arrestors, grounding rods, except as otherwise provided on any approved plat or plats filed of record covering such Lot or as currently in place for property fronting RM 2147 and as permitted by Pedernales Electric.

(h) Sewer System: Where an organized sewage system is made available to any Lot on which a structure is located or being constructed, it is required that the structure be connected to and use such system unless otherwise agreed to by the City.

(i) Drainage: Drainage structures shall always have a net drainage opening area of sufficient size to permit free flow of water in accordance with the requirements of LCRA Highland Lakes Watershed Ordinance, as amended.

(j) Parking: The owner of any Lot shall provide appropriate space for off street parking for the owner's vehicles. No motor vehicles, mobile homes, or recreational vehicles may be driven or parked in any Common Areas except for the Fly-In Community, the Common Maintenance areas or on any easement unless such motor vehicle, mobile home or recreational vehicle is in use for maintaining such area or easement, provided, however, that this restriction will not apply to driveways, streets or parking lots intended for vehicular use which will be subject to the following limitations: Lot Owners, Guest and Invitees of any Owner will be allowed to park their vehicles along the street in front of the Owner's house provided that such persons (i) are not parked in front of the Owner's house for more than 12 hours except in the Fly-In Community ("Fly-In Community"), (ii) are not parked in front of the Owner's house overnight except in a Fly-In Community, and (iii) do not create a nuisance for other Lot Owners in Zone 12. Except in the Fly-In Community, no boat and/or boat trailer, motorcycle, or recreational vehicle shall be permitted to remain overnight on any street or driveway exposed to public view.

(k) Easements: Within easements reserved, as shown on an applicable plat, no structure, fence, planting, or other material shall be placed on or permitted to remain which might damage or interfere with the installation and maintenance of utilities except as otherwise approved by the City or which might change direction of flow of drainage channels in the easements or which might obstruct or retard the flow of water through drainage channels except as otherwise permitted by the LCRA Highland Lakes Ordinance, as amended.

(l) No Drilling: In relation to oil, gas, and minerals, no mining, exploring, drilling, development, refining, quarrying, or other operations of a related nature shall be permitted upon or in any Lot.

(m) Commercial Vehicles: No commercial vehicle will be parked on any street, right-of-way, or Lot except within an enclosed structure which prevents such view thereof from adjacent Lots and streets, unless such vehicle is temporarily parked and in use for the construction, maintenance or repair of a residence in the immediate vicinity. No vehicle of any size which normally transports inflammatory, explosive, or otherwise hazardous cargo may be kept at any time, except where such vehicle is temporarily delivering, loading or unloading its cargo.

(n) Electrical Power: Subject to Developer's receipt of any temporary use permit from the City, no source of electrical energy will be brought to any Lot or used upon any Lot unless and until the City has issued a building permit for the erection of the permanent improvements to be located on said Lot.

(o) Occupancy of Structures: Subject to any temporary use permit issued by the City to the Developer for any temporary structures, no structure will be occupied or used for the purpose for which it is designed or built or for any other purpose until approved by the Building Official.

(p) New Construction: Subject to any temporary use permit issued by the City to the Developer for any temporary structures, construction of new Dwelling Units only shall be permitted on Lots within Zone 12, it being the intent of this provision to prohibit the moving of any existing building or structure onto any Lot and remodeling or converting same into a Dwelling Unit; provided however, the foregoing shall not be construed as prohibiting remodeling of, or construction of additions to, existing Dwelling Units that previously have been constructed. Mobile homes, manufactured housing, and all similar housing units are expressly prohibited.

(q) Roofing Materials: Only roofing materials which are fire-proof and are of high grade and quality and which are consistent with the exterior design, color and appearance of other improvements are allowed. Acceptable materials include terra cotta or clay tile. No wood or composition shingles are allowed. Further, no roofing material which produces a glare are permitted on any improvement.

(r) Driveways. Except lots in C-2, A-1 and R-2 or R-4, no Lot shall have more than one (1) point of ingress/egress for vehicles and such point must connect to the street along such Lot's front Lot Line.

(s) Swimming Pools: Movable, above-ground swimming pools in excess of six feet (6') in diameter are strictly prohibited. All swimming pools in excess of six feet

(6') in diameter must be of a permanent nature built into the ground and in a fenced enclosure with self-closing and self-latching gates and otherwise comply with state law. No swimming pools shall be constructed in front or side yards.

(t) Chimneys: All chimneys shall be finished with a chimney cap compatible with the design of the residence. Spark arrestors are required.

(u) Uses Permitted: Except for any Common Areas and those portions of Zone 12 which are or have been dedicated or conveyed to the County, other governmental or quasi-governmental authority, or utility service provider, and except for any Lots located in the following classifications: R-2 Villas, R-4 Multi-Family Residential, C-2 Commercial, A-1 Recreation, and the Fly-In Community, (1) no Lot shall be used for any purpose other than construction and occupation thereon of no more than one Dwelling Unit, including such accessory improvements as are customarily incidental to single-family residential use and not in conflict with any applicable law and (2) except in connection with the rental of any Dwelling Unit by the owner thereof for residential purposes or use by any owner of any Dwelling Unit in connection with any Home Occupation, no part of any Lot in the following classifications R-1 Estate Single Family Residential, R-1 Hangar Single Family Residential, R-1 Villa – Single Family Residential Only, R-2 Villas and R-4 Multi-Family Residential, shall ever be used or caused to be used or allowed or authorized in any way, commercial manufacturing, mercantile or other such nonresidential purposes.

(v) Alternative Transportation. All means of Alternative Transportation Devices shall be permitted on public and private streets with posted speed limits of 35 miles or lower within the Project.

IV. ZONE 12 LAND USE CLASSIFICATIONS.

Zone 12 shall consist of the following land classifications, and the dimension and area standards within Section 6.3.4(d) of the City's Zoning Ordinance are hereby superseded by the provisions in this Article IV.

A. R-1-ESTATE – SINGLE FAMILY RESIDENTIAL ONLY

Uses Permitted:

1. A single-family dwelling;
2. Accessory structures necessary to such use located on the same Lot.

Maximum Building Height: No Dwelling Unit erected on any Lot shall have more than two (2) stories, or exceed a maximum height of thirty-five feet (35') from the highest point on the first floor slab, exclusive of towers and chimneys, or exceed a maximum height of forty-two feet (42') from the lowest point on the first floor slab, inclusive of towers and chimneys. A sub floor, basement or similar improvement, may be allowed as an addition to a two-story Dwelling Unit where necessary due to topographical considerations on such Lot.

Minimum Yard Requirements: Except as specified to the contrary on an approved plat, which specification shall control, the following shall apply:

1. Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front lot line to the closest structural projection, including porches, but not including eaves, overhangs, planters or fireplaces.
2. A principal structure shall provide total side yards of not less than fifteen (15) feet with not less than five (5) feet on one (1) side. Corner Lots shall maintain a minimum setback of twenty-five (25) feet from the side street line.
3. A rear yard shall be maintained of at least twenty-five (25) feet from the rear lot line to the nearest building line.

Maximum Area of Dwelling: Notwithstanding uses permitted herein, no more than fifty percent (50%) of the total Lot area shall be used for the Dwelling and other structures.

Minimum Dwelling Unit Size excluding carport, garage, covered porches, covered contiguous patios or other similar appendages:

One Story	2,500 sf
Two Story	2,800 sf

Garages: All Lots shall provide for at least one garage of no less than 550 square feet per dwelling unit so as to accommodate two standard size vehicles and one golf cart, and such structure shall be connected to the main structure. The connection may be by a breezeway. Each garage shall have a minimum width, as measured from inside walls, of ten feet (10') per car and a minimum depth for each car of twenty-one feet (21'). All garages shall be designed, erected, constructed, installed or maintained as side entry/load in such manner that the garage doors thereof shall not face the front of any other residence or any street, and shall not be located nearer than thirty feet (30') to any street curb. All garages shall be completely enclosed.

B. R-1 HANGAR – SINGLE FAMILY RESIDENTIAL ONLY WITH PROVISIONS FOR AN AIRCRAFT HANGAR OR RV GARAGE ON THE PROPERTY.

Uses Permitted:

1. A single-family dwelling;
2. Accessory structures necessary to such use located on the same Lot.

Maximum Building Height: No Dwelling Unit erected on any Lot shall have more than two (2) stories, or exceed a maximum height of thirty-five feet (35') from the highest point on the first floor slab, exclusive of towers and chimneys, or exceed a maximum height of forty-two feet (42') from the lowest point on the first floor slab, inclusive of towers and chimneys. A sub floor, basement or similar improvement, may be allowed as an addition to a two-story Dwelling Unit where necessary due to topographical considerations on such Lot.

Minimum Yard Requirements: Except as specified to the contrary on an approved plat, which specification shall control, the following shall apply:

- (a) Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front lot line to the closest structural projection, including porches, but not including eaves, overhangs, planters or fireplaces.

(b) A principal structure shall provide total side yards of not less than fifteen (15) feet with not less than five (5) feet on one (1) side. Corner Lots shall maintain a minimum setback of twenty-five (25) feet from the side street line.

(c) A rear yard shall be maintained of at least twenty-five (25) feet from the rear lot line to the nearest building line.

Maximum Area of Dwelling: Notwithstanding uses permitted herein, no more than fifty percent (50%) of the total Lot area shall be used for the Dwelling and other structures.

Minimum Dwelling Unit Size excluding carport, garage, covered porches, covered contiguous patios or other similar appendages:

One Story	2,500 sf
Two Story	2,800 sf

Garages: All Lots shall provide for at least one garage of no less than 550 square feet per dwelling unit so as to accommodate two standard size vehicles and one golf cart, and such structure shall be connected to the main structure. The connection may be by a breezeway. Each garage shall have a minimum width, as measured from inside walls, of ten feet (10') per car and a minimum depth for each car of twenty-one feet (21'). All garages shall be designed, erected, constructed, installed or maintained as side entry/load in such manner that the garage doors thereof shall not face the front of any other residence or any street, and shall not be located nearer than thirty feet (30') to any street curb. All garages shall be completely enclosed.

Hangars/RV Garages: An attached or detached aircraft hangar or RV Garage shall be permitted with a maximum building height of 45'.

C. R-1 – VILLA – SINGLE FAMILY RESIDENTIAL ONLY

Uses Permitted:

1. A single-family dwelling;
2. Accessory structures necessary to such use located on the same Lot.

Maximum Building Height: No Dwelling Unit erected on any Lot shall have more than two (2) stories, or exceed a maximum height of thirty-five feet (35') from the highest point on the first floor slab, exclusive of towers and chimneys, or exceed a maximum height of forty-two feet (42') from the lowest point on the first floor slab, inclusive of towers and chimneys. A sub floor, basement or similar improvement, may be allowed as an addition to a two-story Dwelling Unit where necessary due to topographical considerations on such Lot.

Minimum Yard Requirements: Except as specified to the contrary on an approved plat, which specification shall control, the following shall apply:

(a) Front yard setbacks shall conform to a minimum depth of fifteen (15) feet from the front lot line to the closest structural projection, including porches, but not including eaves, overhangs, planters or fireplaces.

(b) A principal structure shall provide total side yards of not less than ten (10) feet with not less than five (5) feet on one (1) side. Corner Lots shall maintain a minimum setback of fifteen (15) feet from the side street line.

(c) A rear yard shall be maintained of at least ten (10) feet from the rear lot line to the nearest building line.

Minimum Dwelling Unit Size excluding carport, garage, covered porches, covered contiguous patios or other similar appendages:

One Story	1,700 sf
Two Story	2,000 sf

Garages: All Lots shall provide for at least one garage of no less than 550 square feet per dwelling unit so as to accommodate two standard- size vehicles and one golf cart, and such structure shall be connected to the main structure. The connection may be by a breezeway. Each garage shall have a minimum width, as measured from inside walls, of ten feet (10') per car and a minimum depth for each car of twenty-one feet (21'). All garages shall be completely enclosed.

D. R-2 VILLAS

Uses Permitted:

1. Any use permitted in the R-1 area;
2. Two Dwelling or two (2) Single Dwellings;
3. Multiple attached Dwelling Units;
4. Accessory structures necessary to such use located on the same Lot.

Maximum Building Height: No Dwelling Unit erected on any Lot shall have more than two (2) stories, or exceed a maximum height of thirty-five feet (35') from the highest point on the first floor slab, exclusive of towers and chimneys, or exceed a maximum height of forty-two feet (42') from the lowest point on the first floor slab, inclusive of towers and chimneys, provided that no Dwelling Units shall be stacked. A sub floor, basement or similar improvement, may be allowed as an addition to a two-story Dwelling Unit where necessary due to topographical considerations on such Lot.

Minimum Yard Requirements: Except as specified to the contrary on an approved plat, which specification shall control, the following shall apply:

(a) Front yard setbacks shall conform to a minimum depth of fifteen (15) feet from the front lot line to the closest structural projection, including porches, but not including eaves, overhangs, planters or fireplaces.

(b) A principal structure shall provide total side yards of not less than ten feet with not less than five (5) feet on one (1) side. Corner Lots shall maintain a minimum setback of fifteen (15) feet from the side street line.

(c) A rear yard shall be maintained of at least fifteen (15) feet from the rear lot line to the nearest building line.

Maximum Area of Dwelling: Notwithstanding uses permitted herein, no more than sixty percent (60%) of the total Lot area shall be used for the Dwelling and other structures.

Minimum Dwelling Unit Size (per unit) excluding carport, garage, covered porches, covered contiguous patios or other similar appendages:

One Story	1,700 sf
Two Story	2,000 sf

Garages: All Lots shall provide for at least one garage of no less than 400 square feet per dwelling unit so as to accommodate one standard size vehicle and one golf cart and such structure shall be connected to the main structure. The connection may be by a breezeway. No garage that is not completely enclosed will open directly on the street. All garage and/or carport structures shall be enclosed on at least two sides, provided such structures located on corner lots shall be completely enclosed.

E. R-4 MULTI-FAMILY RESIDENTIAL – CONDOMINIUMS, TOWNHOMES

Uses Permitted:

1. Any use permitted in the R-1 or R-2 area;
2. Three or more Dwelling units;
3. Accessory structures necessary to such use located on the same Lot.

Maximum Building Height: No Dwelling Unit erected on any Lot shall have more than four (4) stories, or exceed a maximum height of forty-eight feet (48') from the highest point on the first floor slab, exclusive of towers and chimneys, or exceed a maximum height of fifty-five feet (55') from the lowest point on the first floor slab, inclusive of towers and chimneys. A sub floor, basement or similar improvement, may be allowed as an addition to a four-story Dwelling Unit where necessary due to topographical considerations on such Lot.

Minimum Yard Requirements: Except as specified to the contrary on an approved plat, which specification shall control, the following shall apply:

(a) Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front lot line to the closest structural projection, including porches, but not including eaves, overhangs, planters or fireplaces.

(b) A principal structure shall provide total side yards of not less than ten (10) feet with not less than five (5) feet on one (1) side. Corner Lots shall maintain a minimum setback of fifteen (15) feet from the side street line.

(c) A rear yard shall be maintained of at least fifteen (15) feet from the rear lot line to the nearest building line.

Maximum Area of Dwelling: Notwithstanding uses permitted herein, no more than sixty percent (60%) of the total Lot area shall be used for the Dwelling and other structures.

Minimum Dwelling Unit Size (per unit) excluding carport, garage, covered porches, covered contiguous patios or other similar appendages:

One Story	1,200 sf
Two Story	1,500 sf

F. C-2 – COMMERCIAL

1. Uses Permitted:

(a) Any use permitted in R-1 (excluding R-1 Hangar except as provided herein), R-2 or R-4 area;

(b) Uses permitted pursuant to the R-1 Hangar classification are permitted for any property adjacent to an active runway or taxiway;

(c) Retail or wholesale stores or businesses not involving any kind of manufacture, processing, or treatment of products other than that which is clearly incidental to the retail or wholesale business conducted on the premises and which is compatible with the uses permitted below;

(d) Automobile parking areas;

(e) Automotive service facilities;

(f) Public agency facilities and structures;

(g) Restaurants, tea rooms and cafes, including those offering on and off premises sale of alcoholic beverages, where the law provides;

(h) Theaters and auditoriums (except for drive-in theaters);

(i) Hotel, motel, or commercial lodging facility (including, but not limited to, any time-share program);

(j) Assisted living facility;

(k) Office, professional and general business;

(l) Medical facility;

(m) Health club, health spa, exercise/fitness center;

(n) Clubhouses, golf and tennis pro shops and attendant facilities, located in and surrounded by R-1 classifications, and principally serving residents, club members, their guests and/or Resort guests;

(o) Accessory structures to be located on the same Lot as may be reasonably necessary and appropriate.

2. The following provisions shall be applicable to all land within Zone 12 classified as General Commercial ("C-2") and less than one-half acre:

(a) Maximum Building Height: The maximum building height shall be thirty-five (35) feet above the highest natural contour of the applicable Lot.

(b) Maximum Area of Building: Building area shall not exceed sixty percent (60%) of the area of the Lot.

(c) Area of Building: Notwithstanding uses permitted herein, the ground floor of a building or structure shall not exceed 5,000 square feet or be less than 4,000 square feet.

3. The following provisions shall be applicable to all land within Zone 12 classified as General Commercial ("C-2") and more than one-half acre:

(a) Maximum Building Height: The maximum building height shall be thirty-five (35) feet above the highest natural contour of the applicable Lot, except clubhouses which shall be limited to thirty-two (32) feet.

(b) Area of Building: Notwithstanding uses permitted herein, the ground floor of a building or structure shall not exceed 6,000 square feet or be less than 4,000 square feet, except clubhouses which shall not exceed 30,000 square feet maximum. Building area shall not exceed sixty percent (60%) of the area of the Lot.

(c) Exterior Walls: All buildings or structures must have exterior walls of one hundred percent (100%) masonry covering on the total of all exterior walls, excluding doors and windows, except clubhouses which must have exterior walls of at least fifty percent (50%) masonry covering. The exterior portion of all walls that are not masonry shall be painted or stained immediately upon completion or shall have color mixed in the final structural application, excepting acceptable woods that are commonly used without such finishes, so that all such materials shall have a finished appearance. No plywood, pressboard, particle board, or similar type of material shall be used on any exterior wall or any structure.

(d) Landscaping: Provision of a landscape barrier between parking and main access, except for access driveways. All parking lots must be landscaped.

(e) Spacing: Commercial structures, excluding accessory structures, shall be spaced a minimum of thirty (30) feet apart.

(f) Parking Minimums: A minimum of one (1) parking space per 250 square feet of net rentable space is required.

(g) Comply with all City building and construction ordinances and regulations.

4. Texas Accessibilities Standard. As to any buildings within C-2 classification which are commercial facilities open to the public, the Owner of such building shall confirm that such construction plans have been certified as to their compliance with the Texas Accessibilities

Standard requirements and registered with the Texas Department of Licensing and Registration (TDLR). An inspector certified by TDLR shall conduct a final compliance inspection of the building, and such expense shall be borne by the Owner of such building.

G. A-1 – RECREATION

1. This classification is intended to establish and preserve attractive recreational facilities including golf course, driving ranges, natural or artificial hazards for the game of golf, tennis court, and other recreational facilities, and to protect the integrity of such areas by prohibiting the intermixture of uses that are incompatible with the game of golf and other recreational uses. The site should also contain adequate space for required off-street parking and for buffering from residential classifications.
2. Uses Permitted:
 - (a) Golf courses including tees, fairways, driving range, golf greens, natural and artificial hazards, golf cart repair and servicing facilities, and golf course maintenance facilities;
 - (b) Golf academies;
 - (c) Tennis courts, related facilities or clubhouses;
 - (d) Swimming pools, related facilities or clubhouses;
 - (e) Property owner's association facilities and meeting facilities.
 - (f) Parks;
 - (g) Accessory structures and uses incidental to the foregoing.
 - (h) Minimum Lot Dimensions:
 - (i) Area (minimum) subject to approval
 - (ii) Depth (minimum) subject to approval
 - (iii) Width (minimum) subject to approval
 - (iv) Lot coverage (percentage) subject to approval
 - (i) Minimum Building Setbacks
 - (i) Streets: 25'
 - (ii) Side: 10' except a minimum of 40' for any side(s) that adjoin residential classifications.
 - (iii) Rear: 25'
3. Texas Accessibilities Standard. As to any buildings within A-1 classification which are commercial facilities open to the public, the Owner shall confirm that such construction plans

have been certified as to their compliance with the Texas Accessibilities Standard requirements and registered with the Texas Department of Licensing and Registration (TDLR). An inspector certified by TDLR shall conduct a final compliance inspection of the building, and such expense shall be borne by the Owner of such building.

H. FLY-IN COMMUNITY AND FLY-IN BUSINESS PARK

1. This classification is intended to provide residential communities and a commercial business park adjacent to the airport. The "Fly-In Community" and "Fly-in Business Park" should also contain adequate space for required off-street parking. The following provisions shall be applicable to the "Fly-In Community" and "Fly-in Business Park" within Zone 12:
2. Uses Permitted:
 - (a) Use of airplanes which do not exceed a certified gross take-off weight of 125,000 pounds and use of helicopters, gliders, ultralights, power gliders, and hot air balloons.
 - (b) The taxiing of airplanes, taking off and landing of helicopters, gliders, ultralights, power gliders, and hot air balloons;
 - (c) Structures and facilities for the supply and fueling of airplanes or helicopters, gliders, ultralights, power gliders, and hot air balloons by persons or entities authorized by the owner of the airport facilities;
 - (d) Office and storage facilities for the operation and maintenance of the airport;
 - (e) Hangars for the shelter of airplanes, helicopters, gliders, ultralights, and power gliders;
 - (f) Servicing of airplanes or helicopters by such owners or their representatives;
 - (g) Sales of aviation fuel and oil; rental of hangar, ramp, and vehicular parking spaces to area residents on a contracted basis; rental of ramp tie down space on a temporary basis to transient aircraft.
3. Uses Prohibited:
 - (a) Use of airplanes which exceed a certified gross take-off weight of 125,000 pounds;
 - (b) The accessing, occupying, or using for any purpose other than accessing of airplanes or accessing, taking off, and landing helicopters, gliders, ultralights, power gliders and hot air balloons, of the area on and within fifty (50) feet of a active taxiway located within Zone 12. Except for the operators of the airport facilities or their agents in the discharge of their duties, the prohibited uses shall include, but not be limited to walking, jogging, roller-skating, skateboarding, or Bicycling.

4. Regulation. All operational activities shall be regulated by Federal Aviation Administration ("FAA") guidelines to the extent applicable, the manager of the air traffic control for the airport and subject to published airport operational restrictions and guidelines in the covenants, conditions and restrictions recorded in Llano County and Burnet County on the land in Project.
5. Minimum Lot Dimensions:
 - (a) Area (minimum): subject to approval
 - (b) Depth (minimum. ft): subject to approval
 - (c) Width (minimum ft): subject to approval
 - (d) Lot coverage (maximum percentage): subject to approval

V. DEVELOPMENT PLAN AND SPECIFICATIONS

A Development Plan and Specification must be submitted to the Director of Public Works and approved in accordance with the Subdivision Ordinance as amended by this PD Ordinance for a PD District.

VI. AMENDMENTS TO PRELIMINARY PLATS, PHASED PRELIMINARY PLATS AND PD CONCEPT PLAN

A. Revisions to approved preliminary plats and phased preliminary plats may be made in accordance with the subdivision ordinance, as amended by this PD Ordinance.

B. Notwithstanding section 6.7 of the Zoning Ordinance, PD concept plans are considered part of the PD Ordinance. Any amendment to a PD concept plan shall be considered a zoning change, and shall be processed as such, unless the changes are provided for in the PD Ordinance. The following changes may be made without the necessity of instituting the proceedings necessary for a zoning change:

- (a) Changes in the lot size or configuration;
- (b) Adjustments to the number of lots in the overall Project to 1,200;
- (c) Changes in a local street width, length or alignment;
- (d) Changes in a utility or access easement;
- (e) Changes in street layouts in any phase other than Phase 1 (as defined herein); or
- (f) Adjustments to the amount of parkland or open space within any phase other than Phase 1 to not less than thirty percent (30%) of the gross site acreage.

VII. ZONING UPON ANNEXATION

A. Section 1.5.2 of the Zoning Ordinance is hereby amended and restated as follows:

"All territory hereafter annexed into the City shall be initially classified as provided in the City's Zoning Ordinance. The initial zone classification may thereafter be changed by the Council. The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation."

VIII. BLASTING ORDINANCE

Any blasting ordinance adopted by the City which requires the filing of any bond ("blasting bond") to cover personal injury or property damage for which a developer has already secured a bond for such work and which previously secured bond meets the criteria for ablasing bond will not then be required to obtain any additional bond thereby.

IX. AMENDMENTS TO SUBDIVISION ORDINANCE

Article IX of the Subdivision Ordinance permits the City Council to vary the development standards set forth in the City's Subdivision Ordinance. This PD Ordinance hereby amends and restates or deletes the following provisions of the Subdivision Ordinance as noted herein.

References to the Subdivision Ordinance

Action:

1. **All references to the term "Ordinance" in the Subdivision Ordinance** shall hereby be amended to mean "the Subdivision Ordinance as amended and modified by the PD Ordinance."
2. **All references to the term "General Design Standards of the City" in the Subdivision Ordinance** shall hereby be amended to mean "the Project Design Standards as described in Appendix B to the PD Ordinance."
3. **Article I Section H.1 Legal Provisions - Conflicting Orders** hereby amended and restated as follows: "1. Conflicting Orders. If any other City order as to development standards, including the Subdivision Ordinance, is in conflict with this Ordinance, this PD Ordinance shall control."
4. **Article I Section I General Design Standards** hereby amended and restated as follows:

"All improvements required by this Ordinance shall be constructed and installed in accordance with the Project Design Standards as set forth in Appendix B to the PD Ordinance".
5. **Article II Section C.1. Construction and Maintenance Bonds** hereby amended and restated as follows:

"a. All construction shall be complete within a timely manner but not later than two (2) years after approval of final plat, and in accordance with the terms and specifications contained herein. To ensure such timely completion, the Developer shall file a construction bond, or other type of financial assurance acceptable with the City. If a Developer chooses to file a construction bond, said bond shall be executed by a surety company authorized to do business in this State, and made payable to the Mayor of the City or his/her successors in office as an additional insured.

b. Unless the City Council determines a lesser

amount, the amount of the bond shall be equal to the estimated cost of construction of roads, streets, street signs, utilities, required drainage structures and all other infrastructure construction.

c. The Developer and City Council may agree that construction of the roads, streets, street signs, utilities, drainage structures and other infrastructure construction be undertaken in phases. In that case, to ensure such timely completion, the Developer shall file a construction bond, or other type of financial assurance acceptable with the City. If a Developer chooses to file a construction bond, said bond shall be executed by a surety company authorized to do business in this State, and made payable to the Mayor of the City or his/her successors in office as an additional insured. Unless the City Council determines a lesser amount, the amount of the bond shall be equal to the estimated cost of construction of roads, streets, street signs, utilities, required drainage structures and all other infrastructure construction.

d. The construction bond shall be submitted to the City Council with the final plat.

e. The construction bond for a phased project shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and other infrastructure construction is completed for that phase to the satisfaction of the Director of Public Works and the City Council has released the construction bond.

f. In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the Owner, fail to meet the requirements of the foregoing specifications, and the said Owner fails or refuses to correct the defects called to his/her attention by the City Council, the unfinished improvements shall be completed at the cost and expense of Owner as provided.

g. The City may draw on the construction bond and pay the cost of completing the unfinished improvements if the City determines that the Owner has breached the obligations secured by the construction bond or the two (2) year time period for the construction of all required improvements has expired. The City shall refund the balance of the construction bond, if any, to Owner. The Owner shall be liable for the cost that exceeds the amount covered by the construction bond, if any."

6. **Article II Section C.2.
Construction and
Maintenance Bonds**

hereby deleted in this PD Ordinance with respect to the Property or Project.

7. **Article II Section D. Discrepancies** hereby amended and restated as follows: "Where a discrepancy exists between the requirements established in this PD Ordinance and the requirements of the building, fire, electrical, mechanical or any other applicable code, or any state or federal law, then the more restrictive requirements shall apply."
8. **Article II, Section F.2 Special Provisions** hereby amended and restated as follows: "The City has the authority to withhold the issuance of a building permit for the erection of any building on a newly subdivided parcel of land for which no performance bond is in place until all the requirements of this Subdivision Ordinance have been complied with, including installation of, and acceptance by, the City of all public improvements and facilities for the areas designated."
9. **Article III, Sections A.2, 3, and 4. Procedure** hereby amended and restated as follows: "2. Pursuant to Texas Local Government Code, Chapter 245, as amended, the rights to which an applicant is entitled shall accrue on the filing of an application that gives the City fair notice of the project and the nature of the permit sought. The City hereby agrees that as of **[March 20, 2007]** the Developer has given notice of the Skywater Over Horseshoe Bay project and the notice of the permit sought.
3. An application shall expire forty-five (45) days after **[March 20, 2007]** if:
- (a) the applicant fails to provide the documents or other information necessary to comply with the City's technical requirements relating to the form and content of the application;
 - (b) the City provides the applicant no later than ten (10) business days after the day the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
 - (c) the applicant fails to respond to the City's notification within the aforesaid forty-five (45) day period.
4. The Director of Public Works shall determine if the application for approval of a plat meets all of the content requirements of the Subdivision Ordinance, as amended by the PD Ordinance. An incomplete application will be returned by the Director of Public Works within ten (10) working days following the date of filing. The Director of Public Works shall notify the applicant in writing of the noted deficiencies. Upon correction of the deficiencies, the application may be resubmitted on a subsequent filing date for placement on the City

- Council agenda."
10. **Article IV, Section B.2.c.
Preliminary Plats - General Provisions** Is hereby amended and restated as follows:
"c. Name of the subdivision is Skywater Over Horseshoe Bay."
 11. **Article IV, Section B.2.g.
Preliminary Plats - General Provisions** is hereby amended and restated as follows:
"g. The location and approximate dimensions, description, and name of all proposed streets, subject to City and County approval and applicable 9-1-1 requirements, common areas, parks, public areas, playgrounds or other similar uses, reservations, easements, visibility easements or rights-of-way, blocks, lots and watercourses."
 12. **Article IV Section D
Revisions to Approved Preliminary Plats** hereby amended and restated in its entirety as follows:
"1. Minor Revision to Approved Preliminary Plats. The Director of Public Works may administratively approve minor revisions to approved Preliminary Plats. A minor revision is one that ("Minor Revision"):
(a) Changes the lot size or configuration;
(b) Adjusts the number of lots in the overall Project to 1,200;
(c) Changes a local street width, length or alignment;
(d) Changes a utility or access easement;
(e) Changes street layouts in any phase other than Phase 1 (as defined in the PD Ordinance); or
(f) Adjusts the amount of parkland or open space within any phase other than Phase 1 to not less than thirty percent (30%) of the gross site acreage.
2. Major Revisions to Approved Preliminary Plats.
The City Council may approve major revisions to approved Preliminary Plats. A major revision is any revision other than a Minor Revision.
 13. **Article IV Section F.3.c.
Phased Preliminary Plat** is hereby amended and restated as follows:
"c. Name of the subdivision is Skywater Over Horseshoe Bay."
 14. **Article IV Section F.4
Phased Preliminary Plat** is hereby amended and restated in its entirety as follows:
"4. The overall layout of a phased preliminary plat, as contained in the PD Concept Plan labeled as "Master Plan" and "Overall Phasing Map" has been approved by City Council, shall be attached to and filed in the permanent records of Development

Services. All subsequent final plats shall be in accordance with the approved phased preliminary plat. Provided, however, that the Director of Public Works may authorize Minor Revisions to the approved phased preliminary plat where the Director of Public Works determines such adjustments are allowable hereunder and consistent with the intent and general layout of the approved phased preliminary plat. Where the final plat deviates from the approved phased preliminary plat other than as to Minor Revisions, such final plat shall not be approved until it reflects the originally approved phased preliminary plat other than as to Minor Revisions, or a phased preliminary plat has been approved in accordance with this section. However, the City Council shall not change such approved overall layout unless the subdivider agrees to such change."

15. **Article IX Planned
Development Districts**

is hereby amended and restated as follows:
**"ARTICLE IX PLANNED DEVELOPMENT
DISTRICTS**

Section A. PURPOSE

1. In certain instances, the purposes of this Ordinance may be achieved in the development of planned units which do not conform in all respects with the land use pattern designated in the Comprehensive Development Plan, or the subdivision requirements of this Ordinance. A Planned Development District (PD) may include a combination of different dwelling types and/or a variety of land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity.

2. For purposes of this Ordinance, a Planned Development District shall have the same meaning as provided for as a Planned Development Zone in the Zoning Ordinance.

**SECTION B. SUBDIVISION REQUIREMENTS
FOR A PLANNED DEVELOPMENT DISTRICT**

1. It is the intent of this Ordinance that subdivision review under this Ordinance is carried out simultaneously with the review of a Planned Development District.

2. The preliminary plat and final plat shall be in conformance with the requirements of the approved PD Concept Plan. The preliminary plat, final plat and construction plans shall be in accordance with such PD Concept Plan.

3. This Ordinance contains regulations that apply to the design of streets, utilities and open spaces. Given that this Planned Development District varies

the provisions of the Subdivision Ordinance, written recommendations of Development Services have been given to the City Council as part of their consideration of approval of such proposed Planned Development District and variance to the Subdivision Ordinance.

4. Procedure:

(a) Formal application for a development plan approval shall be made by the subdivider or his/her agent in the manner prescribed by the Development Services Division, and shall be processed and considered by the City Council.

(b) Review and consideration by the City Council shall proceed simultaneously and independent of any related requirement of this Subdivision Ordinance.

5. Development Plan and Specifications - The development plan required under this section shall contain the following:

(a) A survey of the development area by a registered land surveyor with a recordable legal description, including all existing utilities and recorded easements.

(b) A plot plan showing location of all structures, all other features to be constructed and all other uses of land, to scale, and with sufficient detail to determine the extent of each use of said structures and land.

(c) A topographic map with a contour interval of not more than 2 feet and sufficient spot elevations to determine the nature of the grade in the proposed development.

(d) A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken, and the time limit of the completion of each stage, together with a description of the real property to be included in each stage. If more than one stage is proposed, a plot shall be furnished, showing the physical location of each stage.

(e) A statement of the proposed changes, if any, in locations of levels of streets and any proposed street closings or vacations.

(f) A statement related to the adequacy or inadequacy of the public facilities and utilities and whether such facilities and utilities will be expanded.

(g) A statement of the proposed method of financing the development in sufficient detail to evidence the probability that the Developer will be able to finance or arrange to finance the development."

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| 16. | Article X, Section B
Dedication of Streets,
Municipal Acceptance and
Maintenance Prior to
Acceptance | is hereby deleted in its entirety in this PD Ordinance with respect to the Property or Project. |
| 17. | Article X, Section C. Design
and Construction Standards | is hereby amended and restated as set forth in Appendix B of this PD Ordinance. |
| 18. | Article X, Section D.2.
Private Streets and
Easements | is hereby deleted in its entirety in this PD Ordinance with respect to the Property or Project. |
| 19. | Article X, Section F. Signs | <p>is hereby amended and restated as follows:</p> <p>1. Within the Project boundaries and to the extent it does not violate any other law or regulation, Developer shall have discretion as to the design of the private street entrance signage, boulevard directional signage, sub-section entry signage, portal entry signage, as well as other types of private roadway markings.</p> <p>2. Although the City will attempt to keep all other traffic and safety signage in conformance with the aesthetics of the Project, all other traffic and safety signs shall be designed in accordance with and conform to the Texas Manual on Uniform Traffic Control Devices, as amended.</p> |
| 20. | Article XI, Section D.1
Street Improvements | <p>is hereby amended as follows:</p> <p>"1.a. All streets shall be constructed in accordance with the Project Design Standards set forth in Appendix B of the PD Ordinance."</p> |
| 21. | Article XI, Sections D.2,
D.3, D. 4, D.7.c. Street
Improvements | are hereby deleted in its entirety in this PD Ordinance with respect to the Property or Project. |
| 22. | Article XI, Sections D.8.b.
Street Improvements | <p>is hereby amended and restated as follows:</p> <p>"b. Construction shall be in accordance with the Project Design Standards."</p> |
| 23. | Article XI, Section G
Screening Walls | <p>is hereby amended and restated as follows:</p> <p>"2.a. For lots backing up to Highway 2147, a screening wall of at least six (6) feet in height shall be provided and maintained along the property line of any subdivision of single-family or multi-family lots where the rear of such lots abuts any arterial thoroughfare or a major collector street."</p> |
| 24. | Article XI, Section I
Drainage and Channel | is hereby amended and restated as follows: "All channel alterations and storm sewer construction |

Alterations

shall comply with the LCRA Highland Lakes Ordinance, as amended."

X. PENALTIES & ENFORCEMENT

To the extent not otherwise modified by the provisions contained in this PD Ordinance, the provisions contained in Section 7, Penalties and Enforcement of the City's Zoning Ordinance pertain to Zone 12.

SECTION II
REZONING

That Zoning Ordinance No. 06-06-20, of the City of Horseshoe Bay, Texas, be and the same is hereby amended by providing the tract shown on Exhibit B, attached hereto and incorporated herein be rezoned from Zone 10, Siena Creek, to Zone 12, PD District.

SECTION III
ZONING MAP AMENDED

That the official Zoning District Map of the City of Horseshoe Bay hereto adopted be and is hereby amended to reflect the zoning change made herein.

SECTION IV
SEVERABILITY

If any section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance be found to be illegal, invalid or unconstitutional, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this PD Ordinance and would have rezoned the property without the invalid part, and as to this end the provisions of this PD Ordinance are declared to be severable.

SECTION V
COMPLIANCE REQUIRED

That the property described in Exhibit "A" shall be used only in the manner and for the purposes provided for in Zoning Ordinance No. 06-06-20, of the City of Horseshoe Bay as heretofore amended by this PD Ordinance, and in compliance with the PD Concept Plan attached hereto as Appendix "A", and the Project Design Standards attached hereto as Appendix "B."

SECTION VI

PUBLICATION

That the City Secretary is hereby directed to publish in the Official Newspaper of the City the Caption, Penalty Clause and Effective Date of this PD Ordinance as required by Section 52.011 of the Local Government Code.

SECTION VII

ENGROSSMENT AND ENROLLMENT

That the City Secretary is hereby directed to engross and enroll this PD Ordinance by copying the exact Caption, Penalty Clause and the Effective Date in the minutes of the City Council of the City of Horseshoe Bay and by filing this PD Ordinance in the ordinance records of the City.

SECTION VIII
EFFECTIVE DATE

That this PD Ordinance shall be in full force and effective from and after the date of passage of the ordinance completing the annexation of the Property into the City.

SECTION IX

OPEN MEETINGS COMPLIANCE

That the meeting at which this PD Ordinance was enacted was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

PASSED, APPROVED and ADOPTED by the City Council of the City of Horseshoe Bay, Texas on this 17TH day of April, 2007.

CITY OF HORSESHOE BAY, TEXAS

/S/
Robert W. Lambert, Mayor

ATTEST:

/S/
Toni Vanderburg, City Secretary

EXHIBIT A
PROPERTY

EXHIBIT B

Property to be Rezoned to Zone 12

APPENDIX A
PD CONCEPT PLAN

APPENDIX B

PROJECT DESIGN STANDARDS

The General Design Standards set forth in Section I, Article I of the City's Subdivision Ordinance are modified as follows:

(a) for Phase I of the Project, as to utilities and infrastructure requirements, the "Skywater Phase One Details and Standards" prepared by Willis Engineering and approved by the City on February 28th, 2007; and the "City of Horseshoe Bay Design Standards and Construction Details", adopted by the City on January 9th, 2007, shall govern as to utility placements.

(b) for the remaining phases of the Project, the City of Horseshoe Bay Design and Construction Guidelines which shall be the standards adopted by the City after public hearing and examination by a committee appointed by the City Council in 2007 to study the City of Austin Design Guidelines referenced in the City's Subdivision Ordinance and determine the usability, applicability, and enforceability of such standards to projects within the City.

(c) All streets, sidewalks, drainage ways, water and sewer line improvements shall be designed, placed and constructed in accordance with the Project Design Standards.

(d) All streets are to be paved with asphalt or concrete and be curbed with either ribbon or full curbs. Base material used for roads or streets shall conform to the requirements of the Texas Department of Transportation ("TxDOT"), or other materials obtained from sources approved by the Director of Public Works.

There are five types of street specifications:

(a) Arterial

(b) Collector Streets (Boulevard is a special collector street; provided, however, "Resort of the Hills Boulevard" as defined in the Development Agreement for the Project or such other name for such street as determined by the Developer shall be considered as a collector street).

(c) Local Streets

(d) Cul-de-sacs

(e) Eyebrows

1. Arterial streets are often primary cross town streets of a community, connecting neighborhoods, business districts, open space, schools, etc. composed of multi-lane traffic. Right-of-way minimum is 120 feet with a minimum lane width of 12 feet.
2. Boulevards are collector streets that are composed of two one -way streets separated by a median. Right-of-way minimum is 80 feet. Minimum median width is 10 feet. Minimum paved street

width of each side of the boulevard is 20 feet from curb to curb. Minimum crown width of uncurbed section is 24 feet. Minimum width of base material is 24 feet. Minimum depth of compacted base material is 6 inches. Where applicable minimum height of crown is 1/8 inches per foot. Maximum height of crown is 3/8 inches per foot. Minimum surface is 2 inch asphalt.

3. Collector streets (non boulevards including "Resort of the Hills Boulevard" shall be considered a collector street) shall have a minimum right-of-way of 80 feet and curb to curb paving width of at least 30 feet. Minimum crown width of uncurbed section is 24 feet. Minimum width of base material is 24 feet. Minimum depth of compacted base material is 6 inches. Where applicable minimum height of crown is 1/8 inches per foot. Maximum height of crown is 3/8 inches per foot. Minimum surface is 2 inch asphalt .
4. Local streets (including "eyebrows") shall have a minimum right-of-way of 60 feet and curb to curb paving width of at least 24 feet. Minimum crown width of uncurbed section is 24 feet. Minimum width of base material is 24 feet. Minimum depth of compacted base material is 6 inches. Where applicable minimum height of crown is 1/8 inches per foot. Maximum height of crown is 3/8 inches per foot. Minimum surface is 1-1/2 inch asphalt .
5. Cul-de-sacs shall be a maximum length of 1000 feet. The right-of-way for the circle shall be a minimum of 85 feet in diameter with a paved diameter of a minimum 45 feet. The street right-of-way shall be a minimum of 60 feet and curb to curb paving width of at least 24 feet. Minimum crown width of uncurbed section is 24 feet. Minimum width of base material is 24 feet. Minimum depth of compacted base material is 6 inches. Where applicable minimum height of crown is 1/8 inches per foot. Maximum height of crown is 3/8 inches per foot. Minimum surface is 1-1/2 inch asphalt.
6. Eyebrows are considered "Local Street" for purposes of these standards.
7. Subgrade. The preparation of the subgrade shall follow engineering practices commonly used in Llano County, Texas. The subgrade shall be compacted by ordinary compaction by any method, type, and size of equipment, which will give the required compaction. The subgrade must be inspected and approved by the City Inspector prior to any application of base material. Refer to TxDOT criteria and specifications.
8. Base Material. Base material shall be delivered in vehicles of uniform capacity and it shall be the responsibility of the Developer that the required amount of the specified material shall be delivered in each 100-foot station. The material shall be scarified, thoroughly wetted, mixed, manipulated, and bladed, so as to secure a uniformly wetted material and pulled in over the subgrade in courses and set under the action of blading and rolling. All irregularities, depressions, or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, reshaping and recompacting by sprinkling and rolling. The base must be inspected and approved by the City Inspector prior to the application of any surface treatment. Refer to TxDOT specifications.
9. Surface Treatment. Refer to TxDOT specifications
10. Water lines, sewage lines and other utilities shall be installed prior to road pavement installation.

11. General road design allows for:

- (a) Major thoroughfare passage through and around the subdivision.
- (b) No dead end streets except for stubs planned for future expansion.
- (c) Intersection of streets at essentially ninety-degree angles.
- (d) Maximum and minimum grading as defined by Developer's Engineer, and approved by the City's PW Director, which approval shall not be unreasonably withheld.
- (e) Street jogs shall be avoided.
- (f) No half streets are permitted.
- (g) Proper drainage.
- (h) Street names and numbers must meet 9-1-1 requirements.
- (i) Utilities such as water, sewage, electricity, telephone, cable or others shall be buried in either (or both) the property easement or the right-of-way but if in the right-of-way no more than three feet from the property line. Utilities shall be buried to a minimum depth of thirty (30) inches.
- (j) Developer shall provide uniform traffic control signs, guard rails and other safety features as recommended by the Developer's engineering firm.